

EXHIBIT B

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22 CASE: John Doe V. Princeton

23
24 DATE: November 26, 2024

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16 FIRM NAME: Veritext

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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3 X-----X
JOHN DOE, : REMOTE
4 : VIDEOTAPED
Plaintiff, : DEPOSITION OF:
5 :
vs. :
6 :
PRINCETON UNIVERSITY, : MICHELE MINTER
7 :
Defendant. :
8 :
9 X-----X

10 C O M P U T E R I Z E D T R A N S C R I P T
of the stenographic notes of the proceedings in
11 the above-entitled matter as taken by and before
MELISSA J. LUMI, a Certified Court Reporter, No.
12 30X100237000, and Notary Public of the State of
New Jersey, taken remotely, on November 26, 2024
13 commencing at 9:30 in the forenoon.

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14 Thea Popko - videotape Operator

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8 consolidated all of that into one policy and 1061

9 handled it all out of my office as of 2014.

10 Q. Okay. So were there different --
11 before then, were there different -- well let me
12 sort of separately distinguish sort of policies
13 which may define sexual conduct is, sort of set
14 the rules that students have to follow versus
15 sort of the procedures that would be used to
16 investigate claims of a policy violation. So
17 prior to this time were there different policies
18 within the school, in terms of, like, what
19 constituted sexual harassment or sexual
20 misconduct?

21 A. In terms of the definitions of
22 policy violations, no. They all worked from the
23 same set of definitions, which they had slightly
24 different procedures that they would have used,
25 you know, faculty had slightly different rights

21

1 under -- for appeal, for example, and so on. So
2 -- and each handled their own -- handled the
3 investigations in their own process. So, yes, I
4 would say there were some procedural different
5 but the underlying principals were the same.

6 Q. Okay. Okay. And then -- but so
7 after 2014, the investigations were all conducted
8 essentially by this -- by would you call it the

9 title the office or -- what would you call it?

10 A. Well, its precise name is the

11 Office of Gender Equity and Title IX

12 administration. Shorthand you can call it the

13 Title IX office.

14 Q. All right. Okay. I'll do that

15 today, but understanding that it has a longer

16 title. Okay. Okay. So they were all run

17 centrally after 2014. And I understand that one

18 of the other changes that came about in 2014 was

19 the change in the standard of proof for Title IX

20 cases. Was that part of the resolution agreement

21 as well?

22 A. Yes, it was.

23 Q. Okay. And so what was it before

24 the resolution agreement went into effect?

25 Q. It was largely clear and

22

1 convincing, which was the standard for -- well,

2 and let me be more precise about that. It

3 depended. For students, it was clear and

4 convincing. For employees and -- which includes

5 faculty, it was already preponderance?

6 Q. Okay. All right. And so part of

7 the resolution agreement was requiring that

8 preponderance be used for undergraduate students

9 as well. Basically for everybody.

10 A. Yes, for undergraduate and
11 graduate students, yes.

12 Q. And what had been the reason for
13 having a different burden of proof for
14 undergraduate students before 2014?

15 MS. BERMAN: Objection. Form.
16 Foundation.

17 Q. So she'll -- for record keeping
18 purposes, we make objections as we go so that
19 down the road we can say, oh, I think this
20 question was unclear, for instance, or whatever,
21 but as long as she tells you -- as long as she
22 doesn't say don't answer that question, after she
23 makes the objection you go ahead and answer, and
24 -- yeah.

25 A. Okay. Now I've -- could you state

23

1 the question again?

2 Q. Yeah, yeah, yeah. Sure. No
3 problem at all. Just what the reason was for
4 having the different standard of proof for
5 undergraduate students compared to the rest of
6 the community.

7 A. To be clear, it was for all
8 students, undergraduates and graduate students.

9 Q. Okay. Got it.

10 A. This predates me, but because the
11 standard of proof in other disciplinary matters
12 for all knowledge graduate matters was clear and
13 convincing, there was a consensus at that time
14 that that was the appropriate standard to use,
15 and that it would be challenging to maintain two
16 different standards in one disciplinary system.

17 Q. Okay. Okay. Okay. And were
18 there other changes that Princeton made, I guess
19 to the way it resolved student cases as a result
20 of the 2014 resolution agreement?

21 A. Well, there were -- I mean, there
22 were fairly significant shifts in the process,
23 right, there was a completely new policy drafted,
24 things were moved to another office. The
25 investigators -- the previous process had used a

24

1 kind of committee structure, the committee on
2 discipline to handle these cases. So it was a
3 fairly dramatic procedural shift in the process.

4 Q. Yeah. And so the committee
5 system, that's a -- I'm just a little familiar
6 with it, but that's basically like a live hearing
7 structure into -- for adjudicating cases?

8 A. Yes, yes, so that used a live
9 hearing, it involved faculty and students as the

10 hearing panel. It's quite a different structure. 1065

11 Q. I see. Okay. And so part of the
12 resolution agreement was moving away from that
13 structure to the structure that we had in the
14 case that we're dealing with here, where the --
15 and I'll just summarize it as I guess the
16 investigators conduct the investigation and then
17 also make a determination on responsibility or
18 not.

19 A. Correct.

20 Q. Okay. So that was part of this
21 change in 2014.

22 A. Yes.

23 Q. Okay. Okay. And then you said
24 that the makeup of the adjudicators, that's --
25 that was another change that occurred that was

25

1 part of this resolution agreement?

2 A. Yes. The resolution agreement
3 required us to put a new policy in place and OCR
4 approved that policy. So, yes, it was part of
5 the new policy.

6 Q. Right. Okay. And did they
7 specifically say you can't have -- I think you
8 said for the committees structure, the panels are
9 mixes of administrators and students.

10 A. Yes.

11 Q. Okay. Did they say that that's --
12 you guys can't do that for Title IX? You have to
13 only have -- you cannot have students on these --
14 your Title IX panels.

15 A. I don't remember whether that was
16 a requirement.

17 Q. Okay. Do you recall any
18 discussions about why, like -- were you involved
19 in these -- I assume that as the head of this
20 office you were involved in the discussions with
21 OCR for the back and forth that led to the
22 resolution agreement?

23 A. Yes.

24 Q. Yeah. What was -- what was OCR's
25 reason for insisting that you -- Princeton not

26

1 use a live hearing to to resolve sexual
2 misconduct claims?

3 MS. BERMAN: Objection. Form.
4 Foundation.

5 A. OCR did not require that. I mean,
6 so it wasn't OCR saying that we couldn't use a
7 live hearing. OCR provided guidance and there
8 were a range of options as to how colleges and
9 universities could meet that guidance. So it was
10 not a requirement of OCR that we not have a live

11 hearing.

12 Q. Okay. Well, you had had a live
13 hearing for, I guess for as long as you had been
14 there starting in 2011, and it was only in
15 response to this OCR investigation that Princeton
16 changed its structure. But you're saying that
17 was -- it had nothing to do with any preference
18 from OCR about how they wanted Princeton to
19 structure its Title IX office?

20 A. Correct. OCR did not tell us how
21 we should comply. There is still significant
22 deference under the guidance to -- to appropriate
23 institutional models. That -- you know, it was
24 Princeton that made a decision about what it
25 believed to be the right way to structure its

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1 procedures. We weren't -- we were not mandated
2 to do that by OCR.

3 Q. Yeah, but, like, I mean, did you
4 feel some level of pressure? I mean, did you
5 get the sense that OCR preferred the system that
6 Princeton would adopt over something like a live
7 hearing?

8 A. No.

9 Q. So was it just coincidence that
10 Princeton made this change while they were under
11 OCR investigation?

12 MS. BERMAN: Objection. Form.

13 Foundation.

14 A. It wasn't a coincidence. At the
15 time, given that we were going to be entering
16 into a resolution agreement and were going to
17 revise our policies and create a new office, we
18 took it as an opportunity to try and develop what
19 we believed would be a good best practice model
20 for -- for -- for doing the work.

21 Q. So what was it that -- what was it
22 that OCR said Princeton was doing wrong that sort
23 of occasioned the hole investigation?

24 MS. BERMAN: Objection. Form.

25 Foundation.

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1 A. OCR's judgment was that Princeton
2 should have shifted its undergraduate cases to
3 the preponderance standard.

4 Q. Okay. So they didn't care as much
5 about the structure so much, they were more
6 concerned about the burden of proof?

7 A. Yes.

8 Q. And OCR was telling you that the
9 burden of proof was contrary -- was like illegal
10 or was somehow, like, contrary to Title IX?

11 A. Well, at the time, OCR was putting

12 out guidance, it did not issue regulations. But 1069

13 it was treating its guidance as extremely

14 serious, and so its position was that Princeton

15 should have adjusted to its guidance.

16 Q. Okay.

17 A. Regarding that matter.

18 Q. Right. Right. So kind of telling

19 you, like, well this is -- this is just guidance,

20 guys, but we're going to conduct a big -- I mean

21 like how -- my understanding is that they are

22 fairly, like -- this is like a like have probing

23 into your affairs, like they would look at three

24 years worth of data, you know, obviously you have

25 to have counsel to kind of guide you through all

29

1 of this. Like this is a pretty big hassle slash

2 undertaking to be under OCR investigation. Is

3 that -- that seems fair, I would think. I can

4 see you nodding.

5 A. It's a lot of work. They have a

6 job to do, and it's appropriate that they do it

7 but it is a lot of work, yes.

8 Q. Yeah. Yeah. Right. And, I mean,

9 do you recall at the time that the head of OCR

10 making statements about, you know, we --

11 essentially saying we are willing to go after

12 school's federal funding if we feel like they're

13 not in compliance with Title IX?

14 A. Yes. Catherine Laaman, who was
15 leading OCR at that point, did make some very
16 strong statements about her intention to hold
17 schools accountable.

18 Q. Yeah. Yeah. And do you recall
19 OCR stating that -- I think a direct quote was
20 that they, quote, strongly discouraged life cross
21 examination in Title IX proceedings?

22 A. I don't remember that quote
23 specifically.

24 Q. Okay. All right. Do you remember
25 -- so there was a 2011 "Dear Colleague" letter

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1 and then there was also -- do you recall that in
2 2014, there was a -- they published something
3 called a questions and answers on Title IX?

4 A. Yes, I remember that.

5 Q. Okay. Great. And I see you
6 nodding but, like, for the -- they'll tell you
7 they need like a verbal answer, which is why I'm
8 waiting to he -- in normal conversation I would
9 just keep going, but, yeah, okay. I'll just
10 represent to you that in one of those documents
11 and as we sit here I frankly don't remember which
12 of the two it is, but that in one of those two

13 OCRs said that they, quote, strongly discouraged
14 schools from using live cross examination in
15 Title IX cases.
16 So, you know, given the way they
17 had been treating their guidance, I mean, I think
18 as you sort of suggested, it was guidance in name
19 but they were strongly suggesting to you that you
20 should get rid of the preponderance of evidence
21 standard. So it would make sense that at that
22 time, and maybe you don't specifically remember
23 it, but it would make sense they would also
24 strongly suggest you should get rid of live cross
25 examination, too. Like would that make sense?

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1 MS. BERMAN: Objection. Form.

2 A. Just to correct, you said they
3 were encouraging us to get rid of the
4 preponderance standard. They were encouraging us
5 to use the preponderance standard.

6 Q. I'm sorry, yes.

7 A. Yes, I don't recall the substance
8 of that FAQ very well, after this amount of time,
9 but, yes, they -- we certainly took seriously
10 their guidance.

11 Q. Yeah. So if they had said -- and
12 again just for purposes of the question I'll just
13 ask you to assume it because I don't remember

14 which document it's in, that they strongly
15 discouraged live cross examination. So that
16 would be -- that would weigh into your
17 consideration about should we continue with a
18 process that has live cross examination or should
19 we adopt a process that they're more comfortable
20 with.

21 A. Yes, I'm sure that that would have
22 been a consideration.

23 Q. Okay. To date, do you recall any
24 explanation about why they -- and this might be
25 getting too far into the weeds from something

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1 that was ten years ago, but do you recall any of
2 there explanation about why a clear and
3 convincing evidence standard was not consistent
4 with Title IX in their view?

5 A. My recollection is that there was
6 concern that it would be chilling, that it would
7 cause complainants to be less willing to come
8 forward. Hard stop. I think that was the reason
9 that I -- that they were expressing.

10 Q. Okay. And so in response -- so
11 when you -- after the resolution agreement was
12 entered into, did Princeton -- Princeton did -- I
13 mean I think I know the answer to this, did

14 Princeton change the burden of proof that it used
15 in other student discipline matters or did it
16 leave that at the clear and convincing evidence
17 standard?

18 A. For other matters it kept the
19 clear and convincing standard. Yes.

20 Q. So then I guess jumping forward,
21 as you I'm sure recall in 2017, the "Dear
22 Colleague" letter, the 2011 "Dear Colleague"
23 letter was rescinded and government announced it
24 would be going through like a formal rule making
25 process for Title IX matters. Do you recall that

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1 time?

2 A. Yes.

3 Q. Okay. Yeah, more than I want to
4 probably. And, you know, part of what was
5 announced there was that schools would now have
6 the option of using the preponderance of the
7 evidence standard but would not be required to
8 use it. They could also use the clear and
9 convincing evidence standard. Were there
10 discussions at Princeton about whether you should
11 revert back to the standard that Princeton had
12 used before that resolution agreement and was
13 continuing to use in any other kind of student
14 discipline matter?

15 MS. BERMAN: Objection. Form.

16 A. My recollection is that they gave
17 us the option but that we had to be consistent
18 across matters. So we couldn't use -- if we were
19 going -- let me just stop there. We -- we did
20 look at it briefly, but our sense was that the
21 process was working fairly and appropriately and
22 that the swinging back and forth of the policy
23 and the framework was challenging for the
24 community to understand and -- and of course then
25 you would have to retrain everyone who was

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1 involved. So our goal was to minimize those kind
2 of shifts. We had -- I had switched to
3 preponderance as we had be required to, it was
4 working well, we felt that the system was fair.
5 So we decided to stay with it.

6 Q. I guess my question is just about
7 that -- that change. You know, since that was
8 the one that had occasioned the OCR
9 investigation, was like they were basically
10 saying this is the problem that you guys need to
11 fix.

12 A. Uh-huh.

13 Q. After the "Dear Colleague" letter
14 was rescinded and especially after the new regs

15 were put in place giving schools permission to¹⁰⁷⁵

16 use a different standard, I guess Princeton could

17 have just changed that part of the policy if it

18 had wanted to. Like it wouldn't mean to have,

19 like, wholesale adopted its pre-2014 system at

20 that point. Right?

21 A. Correct.

22 Q. So was there a discussion about

23 changing just the burden of proof back to the old

24 burden of proof before OCR swooped in and the one

25 that Princeton continued to use in all of the

35

1 other student discipline cases?

2 MS. BERMAN: Objection. Form.

3 A. There was discussion, as I said,

4 but there was a decision that we should stick

5 with the preponderance standard, it was working

6 well, we believed it was producing fair outcomes,

7 the community understood it, and it was actually,

8 although it was not consistent with other student

9 disciplinary cases, it allowed for a consistent

10 policy across all campus populations because that

11 had been the standard always used for faculty and

12 staff. So it allowed this policy to be

13 consistent and coherent and given that we

14 believed it was producing fair outcomes, we

15 didn't see a reason to switch back.

16 Q. And you said the community
17 understood it as one of the reasons you thought
18 it was better to just kind of keep it in place,
19 but they also would have understood the clear and
20 convincing evidence standard since it was being
21 used in a bunch of other areas, too. Correct?

22 A. Yes.

23 Q. All right. And so then I guess
24 maybe the other point then you said was that you
25 thought it was producing fair outcomes. How did

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1 you guys -- how do you -- how do you arrive at
2 that determination that we think this is
3 producing fair outcomes?

4 A. That's a judgment call, of course.
5 Basically, you know, that's -- part of the
6 process is that there is a right of appeal. If
7 the appeals committee is generally upholding the
8 outcomes, it suggests that the cases are making
9 sense to them as they're -- as they are reviewing
10 them, and so that's one of our tests is the --
11 and of course the appeals committee will have
12 moments when it remands something or it raises a
13 question. That's also an appropriate part of the
14 process, but, in general, it appears -- my
15 feeling was that the cases were going -- were --

16 the process was being followed properly, that the
17 appeals committee was generally comfortable with
18 the way the process was taking place, but it's a
19 judgment call.

20 Q. Okay. And I know there were, like
21 -- like, for instance, into '19 there were large
22 demonstrations on campus, I refer to them as the
23 PIXR process, I don't know if that's a formal
24 name, but if I say that --

25 A. I know.

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1 Q. -- you know what I'm talking
2 about. Okay. Great. So there have been --
3 there and I imagine you've seen in the daily
4 Princetonian a lot of voices advocating for ways
5 to make the systems more, I don't know what the
6 -- like more appropriate and easier for parties
7 to go through, you know, asking Princeton is
8 there any more cognizant of the difficulty of
9 going through -- of reporting sexual misconduct
10 of going through a Title IX process, and did you
11 have discussions, like, around that time with,
12 like I representatives of those groups? I know
13 they were sort of calling for some pretty serious
14 changes, as I discussed a little bit with Regan,
15 she was specifically called out for that, but do
16 you recall sort of around this time having

17 discussions with them about -- about the process
18 what the most appropriate ways to support
19 complainants consistent with the policies that
20 were in place?

21 A. Yes. There was a committee put in
22 place that met a number of times with activists
23 in order to understand there concerns, they also
24 wrote demands and so on. So I didn't meet with
25 them one-on-one, but there was a committee

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1 structure that was put in place in order to try
2 and understand their concerns and think about
3 what would be appropriate in terms of
4 institutional response.

5 Q. Okay. But that committee would --
6 you would -- would they report up to you, sort of
7 say like this is what we're hearing from them,
8 these are the changes they want, and, I mean, is
9 this part of the -- I guess I'm just sort of
10 globally getting a sense of like when you say we
11 just had a sense or had to make a judgment call,
12 you know, like what the sources of information
13 were that you were hearing and maybe, you know,
14 filtering out, agreeing with part of it, not
15 agreeing, like these streams of information
16 coming at you is what I'm wanting to learn about.

17 MS. BERMAN: Objection. Form. 1079

18 Michele, try to let me remember to object before

19 you --

20 THE WITNESS: Oh, sorry. Thank

21 you.

22 A. So the -- that committee that

23 worked in response to that specific period of

24 activism was sort of a combination of two

25 standing committees. One which was convened by

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1 my office and another which was convened by

2 campus life which worked together so it was

3 referred to as the joint committees. Princeton

4 uses a lot of governance structures in order to

5 do its work. So it convenes, working groups or

6 committees who are actually appointed to act as

7 representatives of the community. So there is a

8 lot of feedback from the community in order to

9 make decisions and to do the discernment around

10 exactly how -- how Princeton policies should be

11 structured and how they should work, and to

12 create accountability, if there were some concern

13 rage. So in that case, the two committees

14 jointly met and worked, they were chaired by

15 Rochelle -- by Rochelle Calhoun, I think the vice

16 president for campus life, and then I'm

17 remembering correctly a graduate student and an

18 undergraduate student. I think that's correct.
19 So there were three co-chairs. So they were
20 working together to respond to the concerns that
21 were being raised. I was involved, I provided
22 information to them, Regan Crotty provided
23 information, they could gather information
24 independently as well.

25 Q. Okay. And did these groups -- I

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1 mean, it's hard to know, I guess, at some level,
2 but did they feel like they had be heard and that
3 you were considering that Princeton was
4 considering giving due consideration to the
5 requests that they had and the concerns that they
6 were raising?

7 A. You mean the activists?

8 Q. Yes. Yes.

9 A. I think they felt heard. I'm not
10 convinced that they thought they had gotten
11 everything they wanted, but I -- I believe they
12 felt heard, yes.

13 Q. Yeah, well, Ms. Crotty remained
14 employed, so they certainly didn't get everything
15 they wanted. Okay. But did you, for your part,
16 you know, give consideration to the concerns they
17 had raised as you decided, you know, how do we

18 move forward with our Title IX regime? 1081

19 A. Yes. Certainly. I did not agree
20 with some of the things that the activists
21 expressed. I don't -- I think there were
22 misunderstandings in there understanding of how
23 the policies work and so on, and some
24 misrepresentations that they made along the way.
25 But I believe they were acting in good faith, and

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1 I think there are always opportunities in a
2 moment of activism to think about what can be
3 learned, and we did make some adjustments,
4 particularly in our materials for the benefit of
5 both parties, complainants and respondents, to
6 help them have greater clarity around the pathway
7 through the process just to make things a little
8 more transparent for them and so on. So we did
9 add some additional materials on the web, some
10 additional FAQs and so on in order to help make
11 the process for all parties easier to understand.
12 That was one of the lessons, WAS that they were
13 -- it's a demanding process and they were
14 struggling to understand it.

15 Q. Okay. So do you think their
16 concerns were fundamentally disrooted and
17 misunderstandings about how the process worked or
18 did they actually have, like, any substantive

19 criticisms of the process that you thought, yeah,
20 you know what, they're actually right about that,
21 maybe we should change that?

22 A. I think it was the former. Yeah.

23 I would say the former.

24 Q. Okay. So just some very serious
25 well-intentioned but ultimately just genuine

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1 misunderstandings about how the process worked,
2 not any valid criticisms of the -- if they had
3 understood it their criticisms wouldn't have been
4 valid.

5 A. I'm not quite prepared to say
6 that. I think that they were -- there were some
7 misunderstandings, but I also think there
8 critique of -- the difficulties that they were
9 expressing in understanding certain aspects of
10 the process; for example, their claims this that
11 they -- yes, they were told things and they could
12 read them in the policy but they didn't really
13 understand them, I think those were valid, and
14 expressed in good faith, and sometimes it takes
15 more than one way to express things in order to
16 help, you know, people understand complicated
17 things. So adding in additional resources, for
18 example, is valid.

19 Q. Yeah. One of the -- well, and 1083
20 then the -- okay. And I think at the end of the
21 process there were -- well, there were two
22 different reports or like studies that Princeton
23 commissioned. Is that what you're referring to
24 when you say that there were two committees who
25 sort of met with the students and filtered

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1 information up to you? Are those the same
2 groups that produced the reports, or is that,
3 like, a separate thing?
4 A. There were two completely separate
5 processes. So there were two campus committees
6 that worked together to create the joint
7 committee that may issue one of the reports.
8 There was also an external review which was
9 commissioned by the provost at my request which
10 did a privileged review of our program. So
11 that's a separate report.

12 Q. And what -- like how did those
13 reports factor into your sense of what's
14 appropriate in our process and whether we should
15 make any changes to our process?

16 A. Uh-huh. I found both of the
17 reports to be helpful. It is good to have
18 feedback about how people are experiencing
19 things, and as I said, I requested the external

20 review, I think it's fine and appropriate best

21 practice to get an external perspective

22 periodically in one's program. So I think those

23 -- those insights were informative for us.

24 Q. And did you talk -- in making

25 these decisions about, you know, once the old --

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1 the "Dear Colleague" letter is gone, the new

2 regulations are coming out, did you talk to any,

3 I'll call them pro-respondent groups as you

4 weighed how Princeton should move forward and

5 what kind of system it should use to resolve

6 Title IX claims?

7 A. Umm...we did not have a

8 pro-respondent group on campus.

9 A. So, no, we did not talk to

10 activists on campus who were kind of organized as

11 a pro-respondent group. We certainly followed

12 the national conversation closely and there were

13 a number of national organizations that had a

14 pro-respondent stance, and we read all of the

15 material, all of the back and forth going on in

16 the national conversation about that, but we

17 didn't have a group on campus advocating

18 specifically in a pro-respondent way.

19 Q. Okay. Did you solicit any

20 information from the community about whether
21 there are -- I guess I understand there wasn't a
22 group sort of coming to you in the way that,
23 like, PIXR was protesting, you know, for the -- I
24 guess the pro complainant side of things. Did
25 you solicit this kind of information from the

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1 community as you guys were weighing the path
2 forward?

3 A. We routine -- I would say once a
4 year or so would meet with the undergraduate
5 student government, the USG, and the graduate
6 student government, the GSG, and at least once a
7 year with the council of the Princeton University
8 community which was the CPUC. Those are all
9 bodies which involve students who are elected as
10 representatives. So we certainly were hearing
11 from them and eliciting their opinions, and there
12 were, during those years, there was a climate
13 survey specifically focused on sexual misconduct,
14 and each time the survey results were released,
15 we would hold town halls so that people could,
16 you know, ask questions, express whatever they
17 were feeling. So I think we had a number of
18 mechanisms by which we were eliciting student
19 input, but it wasn't specific to saying we want
20 to hear from respondents.

21 Q. Uh-huh. From like a

22 pro-respondent side of things.

23 A. Correct.

24 Q. Do you recall that one of PIXR's

25 demands was the, quote, medicine

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1 departmentalization of the program and gender and

2 sexuality studies, as a, quote, key step in

3 challenging dominant paradigms of toxic

4 masculinity, homophobia, transphobia and

5 gender-based violence on campus?

6 A. I do recall that.

7 Q. Okay. And what weight did you

8 give to the idea that toxic masculinity was one

9 factor that was affecting Princeton's

10 implementation of its Title IX policy?

11 MS. BERMAN: Objection. Form.

12 Foundation.

13 A. None. That's -- our process is --

14 treats both parties in the same way. It doesn't

15 make any presumptions about who is the

16 complainant, the gender of the complainant or the

17 gender of the responsible department. You know,

18 that's -- student activists is a what they want

19 to say but that doesn't have any relevance in our

20 process.

21 Q. Right. So apart from it affecting 1087
22 the implementation of the process, like, did you
23 agree with them that, like, toxic masculinity was
24 one of the root causes of sexual misconduct that
25 the policy had to address?

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1 A. No. No. We don't -- it is not
2 our role under the policy to, you know, make kind
3 of sociological determinations about the
4 underlying causes of sexual misconduct. And
5 again, our policy is gender neutral. It does not
6 -- we don't talk about concepts like toxic
7 masculinity in our process. It's just not --
8 it's not our framework.

9 Q. So do you believe -- what do you
10 understand by the phrase "toxic masculinity"?

11 MS. BERMAN: Objection. Form.

12 A. What do I understand is intended
13 by that statement?

14 Q. Yeah, like we've been using it but
15 what's your understanding of what toxic
16 masculinity is?

17 A. I understand it to be a theory
18 that -- it's pretty unclear, I think to some of
19 us what is intended by it. I think it could mean
20 lots of things, but I understand it to mean that
21 those who use it mean that there is something

22 inherently or the -- that men are socialized to
23 behave in ways that could be problematic or toxic
24 and that that is bad.

25 Q. And doesn't a -- I mean, doesn't a

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1 Title IX office should -- it's concerned with not
2 just resolving claims of sexual misconduct but in
3 trying to minimize the occurrence of sexual
4 misconduct on campuses as well. Right?

5 A. Yes.

6 Q. Okay. So in order to do that,
7 don't you have to sort of consider what you think
8 the root causes of sexual misconduct are in the
9 first place?

10 A. Yes. But our role in that is --
11 is to -- we focused in much more on information
12 that is identified through our data at a more
13 tactical and logistical level. So what does our
14 data show about the relationship between alcohol
15 use and incidence of sexual misconduct, what does
16 our data show about it locations in which -- or
17 the times of year in which sexual misconduct
18 takes place. We are far more focused on those
19 kind of preventive measures and helping students
20 develop good judgment and so on. We don't focus
21 in on the sort of theories about why people

22 behave the way they behave.

23 Q. Well, if certain views of
24 masculinity or the way that men should -- can and
25 should relate to women are a part of what lead to

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1 sexual misconduct in some cases, why wouldn't it
2 be appropriate to address that through training
3 sessions or in some other way with students?

4 MS. BERMAN: Objection. Form.
5 Foundation.

6 A. To be clear, the Title IX offices
7 is -- focuses in on preventing sexual misconduct
8 in fairly tactical ways. The share office, which
9 is a completely independent office, is more
10 focused -- and also there's a sexual health
11 office connected to the university health
12 services, they are more likely to be focused on
13 helping to develop healthy norms on campus and so
14 on. And I'm not saying that they focus on things
15 like toxic masculinity. I'm saying but they are
16 the offices that work with students around
17 developing healthy norms, developing healthy
18 understandings of their own sexual behavior and
19 so on. We don't do that kind of training in the
20 Title IX office. That is -- is not our role.

21 Q. Do you recall that the
22 recommendation of one of the reports that was

23 commissioned, you know, like you mentioned there
24 was an external report and there was an internal
25 report in response to the PIXR protests, that one

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1 of the recommendations was to hold training
2 sessions for students on, quote, toxic
3 masculinity?

4 A. Are you saying one of the
5 recommendations made by the activists or one of
6 the recommendations made by the report?

7 Q. By the reports.

8 A. I don't remember that.

9 Q. Okay. But that would suggest that
10 one of the things you can -- you testified
11 earlier, you know, obviously you considered these
12 reports as you thought about the way forward and
13 picking the right system for Princeton. Doesn't
14 that suggest that, like, these ideas do influence
15 the kind of structure that the school should
16 adopt?

17 A. I don't think that our process is
18 -- is influenced by those kind of consents. Our
19 process is designed to be scrupulously equal to
20 both parties, and it doesn't make any assumption
21 about the gender of the parties. I would view
22 that recommendation -- which I don't remember, I

23 haven't read that report in a few years, as being¹⁰⁹¹

24 something that might have been taken up by one of

25 the other offices that works on sort of questions

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1 of social norming, for example. Like the share

2 office, but I don't believe that it had an -- I

3 don't see how it would have affected our process.

4 Our process is not designed in that way.

5 Q. Well, if there's a belief that men

6 intend to be brought up with certain views of how

7 to relate to women sexually, why wouldn't that

8 affect for instance an investigator's view of a

9 male student's testimony when he's talking about

10 why he thought certain external actions by the

11 female student indicated consent to him?

12 MS. BERMAN: Objection. Form.

13 Foundation.

14 A. So our investigators are trained

15 to be really attentive to those kind of sex

16 stereotypes. They are -- they're not appropriate

17 in our process. They are trained on unconscious

18 bias. So we would not want those kind of

19 theoretical frameworks influencing our

20 investigators. That would undermine their

21 objectivity.

22 Q. Okay. So your view, if an

23 investigator believed in toxic masculinity or

24 believed that toxic masculinity was prevalent and
25 was likely to influence the thinking of a male

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1 respondent, their training would be that you need
2 to disregard that -- even if they think it's
3 actually true, you need to disregard that belief
4 in order to fairly judge the case in front of
5 you. Do you agree with that?

6 A. Yes. The instructions and the
7 training of the panels are to focus on the facts
8 before them and they are trained to do that in a
9 way that avoids that kind of sex stereotyping.

10 Q. Okay. Can you elaborate on that?
11 Like how does the training help the investigators
12 and decision makers to root out sort of
13 unconscious bias or unconscious sex stereo
14 typing?

15 A. So to be clear, I do not
16 participate often in the training. So there are
17 others, the Title IX coordinator, who could
18 provide much more detail about exactly how the
19 trainings unfold, but in general, if you want to
20 avoid unconscious bias or indulging in those kind
21 of sex stereotypes, the process is to slow down,
22 be very clear about -- so that you're avoiding
23 kind of the cognitive short cutting that can